THE CITY OF PROVIDENCE

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 245

Approved May 30, 1989

WHEREAS, House Bill 89-H 6742 presently pending before the Committee on Finance would establish and fund a Rhode Island lead in the environmental abatement and detection program.

NOW, THEREFORE, BE IT RESOLVED that the members of the City Council hereby endorse House Bill 89-H 6742 relating to Health and Safety -- The Rhode Island Lead in the Environment Abatement and Detection Act.

IN CITY COUNCIL
MAY 18 1989
READ AND PASSED

PRES.

CLERK

APPROVED

MAY 30 1989

MAYOR

8 9 --

ES1874

89-H 6742

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 1989

AN ACT

RELATING TO HEALTH AND SAFETY -- THE RHODE ISLAND LEAD IN THE ENVIRONMENT ABATEMENT AND DETECTION ACT

89-H 6742

Introduced By: Reps. Tsiongas, Newsome, Rickman, Fiorenzano and Driver

Date Introduced: February 15, 1989

Referred To: Committee on Finance

It is enacted by the General Assembly as follows:

SECTION 1. The Rhode Island lead in the environment abatement and detection act

Findings

Whereas, the general assembly of the state of Rhode Island finds that contact with environmental lead constitutes a serious and significantly dangerous toxic exposure for the children of Rhode Island by causing a range of physical, psychological, and developmental disorders; and

Whereas environmental lead derives from numerous sources which include lead-containing paint, dust, soils and gasoline; and

Whereas the state department of health and the Elmwood neighborhood housing services of Providence together have demonstrated that hundreds of Rhode Island children are found to be lead poisoned each year and that such poisoning is in great part due to the high concentrations of lead in and around the home; and

Whereas the state of Rhode Island regards the primary prevention

of environmental exposure to toxins as a wiser, more humanitarian, and more effective course than merely the secondary treatment of the exposed individual, the Rhode Island lead in the environment abatement and detection program is hereby enacted.

SECTION 2. Priority lead action plan. Within ninety (90) days of the passage of this act the director of health shall develop an action plan to target areas in the state that are high risk for lead exposure and shall direct environmental testing for lead to those areas. The plan shall regard as a priority for lead detection the following locales:

(a) the present or recent homes and environs of children found to be lead toxic by the department's lead screening program

(b) neighborhoods known from past testing to be high in lead contamination

(c) homes occupied by children six (6) years of age and younger and built prior to 1978

(d) buildings and neighborhoods which have generated resident complaints.

The action plan shall also include emergency rules governing the protection of children, their families, and workers engaged in deleading, including an emergency action level for environmental lead exposure.

The director shall be empowered to declare a building or its environs a lead hazard and may at his discretion evacuate residents from such an area. He further shall be empowered to stop all lead abatement work that he deems unsafe and inconsistent with established abatement criteria.

SECTION 3. Outreach and education. The director shall develop educational materials about the health and environmental aspects of lead exposure and shall make such information available to community agencies in effected areas, mortgage institutions, health clinics and hospitals, housing courts and municipal housing agencies, realty firms, and affected labor unions.

The director shall establish a grant program to community agencies to assist in education and outreach.

The director shall make available environmental lead testing kits to local community agencies and/or individuals free of charge and shall make available the state laboratory for sample testing for which he may establish a fee pursuant to rules and regulations.

SECTION 4. Certification of personnel, institutions, techniques, and training.

(a) Personnel. The director shall establish criteria for the certification and/or licensure of private and public lead inspectors, consultants, and deleaders.

(b) Institutions. The director shall establish criteria for the certification of laboratories for environmental lead testing and of educational facilities for the training of inspectors, consultants, and deleaders.

(c) Techniques. The director shall certify criteria for inspection, sampling, testing, and abatement of lead which are consistent with federal standards where they exist and which nonetheless protect the health of children, their families, and workers charged with abating lead hazards. These criteria shall include standards for lead testing of children, their families and deleaders and standards for the safe abatement of lead.

(d) Training. The director shall certify training programs for inspectors, consultants, and deleaders. Training for deleaders shall include techniques in safe abatement of lead, in the use of personal protective equipment, and the need for periodic lead screening.

The director, as he sees fit, shall act in conjunction with the directors of labor and environmental protection in establishing the criteria in this section.

SECTION 5. Protective standards.

(a) Abatement plans. By March 1, 1990, no building will be deleaded or abated without the prior submission of an abatement plan by the owner or his agent and the approval of said plan by the direc-

1 tor. No approved abatement shall proceed without the use of certified
2 deleaders utilizing approved abatement techniques.
3 (b) Action level. The director shall set an action level for
4 environmental lead exposure that shall be at least as strict as the
5 federal level and periodically shall review the level to make it con-
6 sistent with new scientific information.
7 (c) Prohibition of lead containing products. The director shall
8 oversee the federal timetable for the prohibition of lead containing
9 materials and shall have the power to hasten said timetable if he sees
10 fit. The director shall be responsible for seeking from the general
11 assembly legislation prohibiting any further lead containing material
12 he finds hazardous to the health of the people of Rhode Island.
13 (d) Lead registry. The director shall establish a central lead
14 registry that shall contain records on all toxic lead exposures. Such
15 records shall be maintained under strict confidentiality as provided
16 by law and shall be used for the purposes of identifying high risk
17 areas or employers, and other epidemiologic and occupational research.
18 SECTION 6. Powers of the director. Subject to the administrative
19 procedures act, the director shall have the power to revoke licenses,
20 revoke abatement plans, stop work at deleading or abatement sites,
21 evacuate a building found to be a hazard, establish and levy fines for
22 noncompliance with the act, and may refer violators of the act for
23 charges to state and municipal enforcement officials including but not
24 limited to the attorney general, state and local police, local housing
25 court, municipal housing code or sanitary code enforcement.
26 SECTION 7. Complaint process. Upon the complaint of a present
27 occupant of a building, the director shall inspect said building and
28 its environs for lead within ten (10) days. A recent occupant of a
29 building or the guardian of a child who was a recent occupant of a
30 building may also initiate a complaint in the case of a child with a
31 documented lead exposure.
32 SECTION 8. Lead notification and real estate transfers. By
33 March 1, 1990, it shall be the responsibility of the seller or his

1 agent to inform the buyer of any home built prior to 1978 that lead
2 may be a hazard in such homes.
3 SECTION 9. Housing discrimination prohibited. It shall be ille-
4 gal to discriminate against families with children seeking rental
5 housing as provided by state and federal law.
6 SECTION 10. Funding.
7 (a) Two hundred fifty thousand dollars ($250,000) is appropriated
8 for fiscal 1990.
9 (b) Asbestos abatement bond issue. Beginning with fiscal year
10 1990, the director of administration shall make available to the
11 department of health the proceeds of the one million dollars
12 ($1,000,000) toxic bond issue contained in the Rhode Island asbestos
13 abatement law of 1985 for the purposes of this act. The director of
14 health shall develop a plan for applying said funds for the use of the
15 lead program. The plan shall include educational outreach, a program
16 of grants to assist community groups in identifying lead hazards, and
17 for the acquisition of needed materials, provided that no more than
18 one hundred thousand dollars ($100,000) is applied to any one (1) year
19 of the lead program.
20 SECTION 11. Severability -- The provisions of this act shall be
21 severable.
22 SECTION 12. This act shall take effect on July 1, 1989.

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ES1874
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EXPLANATION

BY THE LEGISLATIVE COUNCIL

89-H 6742

OF

AN ACT

RELATING TO HEALTH AND SAFETY -- THE RHODE ISLAND LEAD IN THE ENVIRONMENT ABATEMENT AND DETECTION ACT

***

This act would establish and fund a Rhode Island lead in the environmental abatement and detection program.

This act would take effect on July 1, 1989.

ES1874

CITY OF PROVIDENCE, RHODE ISLAND • MAYOR JOSEPH R. PAOLINO, JR.

Rose M. Mendonca
City Clerk

Clerk of Council

Clerk of Committees

Michael R. Clement
First Deputy

Jean M. Angelone
Second Deputy

DEPARTMENT OF CITY CLERK
CITY HALL

June 7, 1989

Minority Leader Bradford Gorham
Room 106
State House
Providence, R. I.02903

Dear Representative:

Enclosed is certified copy of Resolution No. 245, approved May 30, 1989, the same being self explanatory.

Councilman Donald J. Lopes is sponsor of said Resolution.

Very truly yours,

Rose M. Mendonca
City Clerk

RMM/bp

Enc.

CITY OF PROVIDENCE, RHODE ISLAND • MAYOR JOSEPH R. PAOLINO, JR.

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City Clerk

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Michael R. Clement
First Deputy

Jean M. Angelone
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DEPARTMENT OF CITY CLERK
CITY HALL

June 7, 1989

Majority Leader Thomas A. Lamb
Room 320
State House
Providence, R. I.02903

Dear Representative:

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Enc.

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First Deputy

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Second Deputy

DEPARTMENT OF CITY CLERK
CITY HALL

June 7, 1989

Speaker of the House
Joseph DeAngelis
Room 323
State House
Providence, R. I.02903

Dear Representative:

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First Deputy

Jean M. Angelone
Second Deputy

DEPARTMENT OF CITY CLERK
CITY HALL

June 7, 1989

Lieutenant Governor Roger N. Begin
317 State House
Providence, R. I. 02903

Dear Lieutenant Governor,

Enclosed is certified copy of Resolution No. 245, approved May 30, 1989, the same being self explanatory.

Councilman Donald J. Lopes is sponsor of said Resolution.

Very truly yours,

Rose M. Mendonca
City Clerk

RMM/bp

Enc.

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Rose M. Mendonca
City Clerk

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Michael R. Clement
First Deputy

Jean M. Angelone
Second Deputy

DEPARTMENT OF CITY CLERK
CITY HALL

June 7, 1989

His Excellency Edward D. DiPrete
Governor of the State of R. I.
222 State House
Providence, R. I. 02903

Dear Governor,

Enclosed is certified copy of Resolution No. 245, approved May 30, 1989, the same being self explanatory.

Councilman Donald J. Lopes is sponsor of said Resolution.

Very truly yours,

Rose M. Mendonca
City Clerk

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First Deputy

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Second Deputy

DEPARTMENT OF CITY CLERK
CITY HALL

June 7, 1989

Representative Robert S. Tucker
Chairman of Finance
Room 306
State House
Providence, R. I.02903

Dear Representative:

Enclosed is certified copy of Resolution No. 245, approved May 30, 1989, the same being self explanatory.

Councilman Donald J. Lopes is sponsor of said Resolution.

Very truly yours,

Rose M. Mendonca
City Clerk

RMM/bp

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